

REMARKS

The Office Action mailed January 22, 2007, has been carefully reviewed and the foregoing amendments and remarks have been made in consequence thereof.

Claims 1-4, 6-9 and 11-24 are now pending in this application. Claims 1-4, 6-9 and 11-24 stand rejected. Claims 5 and 10 have been canceled.

The rejection of Claims 8, 9, 11, 12, and 14 under 35 U.S.C. § 102(b) as being anticipated by Burke et al. (U.S. Patent No. 5,716,688) (hereinafter "Burke") is respectfully traversed.

Burke describes a label (5) including a first ply (10) and a second ply (100). The first ply (10) has a face (16) and an opposite underside (17) that includes an adhesive that **temporarily couples** the underside (17) of the first ply (10) to a substrate (not shown). The first ply (10) has a first edge portion (10A), a second circumscribing edge portion (10C), and a centerpiece (10D) that extends therebetween. Moreover, a strip portion (10B) extends between the first edge (10A) and the second circumscribing edge (10D). The portions (10A, 10B, 10C, and 10D) are separated from adjacent portions by a plurality of perforation rows (11, 12, 13, 14, and 15) on the first ply (10). Moreover, the strip portion (10B), including a tab (18), is removably coupled to the first ply (10). The second ply (100) has a face (106) and an underside (107). Underside (107) is coupled against first ply face (16). The second ply (100) also includes a first edge portion (100A), a second circumscribing edge portion (100C), and a centerpiece (100D) that extends therebetween. Similarly, the portions (100A, 100B, 100C, and 100D) are separated from adjacent portions by perforations (101, 102, 103, 104, and 105). Specifically, the undersides (17) of first edge (100A) and second circumscribing edge (100C) are coupled to the corresponding first edge (10A) and the second circumscribing edge (10C) of first ply (10). The strip portion (100B) and centerpiece portion (100D) of the second ply (100) are not coupled to either the strip portion (10B) or centerpiece portion (10D) of first ply (10). Moreover, the strip portion (100B) and the centerpiece portion (100D) are designed to separate from the first edge (100A) and the second circumscribing edge (100C) along perforations (101, 102, 103, 104, and 105). Notably,

Burke does not describe nor suggest a security tag that includes a first portion and a second portion, wherein the second portion includes an unperforated body and a tab that is unitarily formed with the second portion. Moreover, Burke does not describe nor suggest a first portion coupled to a writing medium with a bond that is stronger than a bond used to couple a second portion to the writing medium.

Applicant respectfully disagrees with the Examiner's interpretation of Burke, as noted on page 5 of the Office Action dated January 22, 2007. Specifically, the Examiner maintains that Burke describes a "first portion [that] is secured to the medium with a bond that is stronger than the bond used to secure the second portion to the medium." Applicant respectfully submits, however, that such an interpretation is a clear error and that Burke does not describe nor suggest that an adhesive bond that is used to couple a first ply to a second ply is more or less stronger than an adhesive bond used to couple the first ply to the substrate. Specifically, Burke does not describe or suggest any difference in the strength of the adhesive bond used to couple the first ply to the second ply and the strength of the adhesive bond used to couple the first ply to the substrate. Rather, in contrast to the present invention, Burke describes "a first or base ply 10 is **formed of a material** having sufficient strength to bear additional plies, to anchor those plies to a substrate (not shown) and to retain portions of the label 5 even upon manual removal of other portions. Underside 17 is provided with an adhesive of sufficient strength to retain it and any attached plies to a temporary holding surface (from which label 5 is eventually to be removed) and ultimately to a substrate" (see col. 3, lines 44-54). Moreover, Burke does not describe nor suggest removing the adhered portions of the second ply from the corresponding portions of the first ply. Rather, in contrast to the present invention, Burke describes coupling an underside of a first edge and a circumscribing edge of the second ply to a face of a corresponding first edge and circumscribing edge of the first ply using a "known adhesive having sufficient strength to **hold the first edges and second circumscribing edges of plies 10 and 100 together** while strip 100B is being torn from the label 5 along perforation rows 101 and 102, and while centerpiece 100D is being torn from the label 5 along perforation rows 103, 104, and 105." (see col. 4, lines 46-52).

Claim 8 recites a security tag for use in selectively concealing selected information displayed on a writing medium, the security tag comprises “at least a first portion and a second portion coupled to said first portion, wherein said tag first and second portions each comprise an outer surface and an opposite inner surface, said second portion further comprises a tab formed unitarily therewith such that said tab is removable from said first portion only when said second portion is removed from said first portion, said tag first portion outer surface is coupled against the writing medium, said tag second portion extends over said tag first portion inner surface such that said second portion inner surface is coupled against said first portion inner surface, said first portion secured to the writing medium with a bond that is stronger than a bond used to secure said second portion to the writing medium.”

Burke does not describe nor suggest a security tag as is recited in Claim 1. Specifically, Burke does not describe nor suggest a security tag including a first portion, a second portion, and a tab that is formed unitarily with the second portion such that the tab is removable from the first portion only when the second portion is removed. Moreover, Burke does not describe nor suggest a first portion secured to the writing medium with a bond that is stronger than a bond used to secure a second portion to the writing medium. Rather, in contrast to the present invention, Burke describes a label with a first ply, a second ply, and a removable strip including a tab, wherein the strip and tab are removably coupled to the second ply using a plurality of perforations. Moreover, in contrast to the present invention, Burke describes coupling the first portion to the second portion using an adhesive that has a sufficient strength to hold a first edge and a second circumscribing edge of each ply together while the removable strip and centerpiece are torn from the label along perforation rows. Accordingly, for at least the reasons set forth above, Applicant respectfully submits Claim 1 to be patentable over Burke.

Claims 9, 11, and 14 depend from independent Claim 8. When the recitations of Claims 9, 11, and 14 are considered in combination with the recitations of Claim 8, Applicant submits that dependent Claims 9, 11, and 14 likewise are patentable over Burke.

Claim 12 recites a security tag for use in concealing selected information displayed on a writing medium, wherein the security tag comprises “at least a first portion and a second

portion coupled to said first portion, wherein said tag first and second portions each comprise an outer surface and an opposite inner surface each having a substantially uniform thickness, said tag first portion further comprises a first end, a second end, and a body extending therebetween, each of said first portion first and second ends, and said second portion inner surface is coupled against the writing medium, said first portion body is coupled only against said second portion outer surface, said first portion secured to the writing medium with a bond that is stronger than a bond used to secure said second portion to the writing medium.”

Burke does not describe nor suggest a security tag, as is recited in Claim 12. Specifically, Burke does not describe nor suggest a security tag including a first portion and a second portion each having a substantially uniform thickness. Moreover, Burke does not describe nor suggest a first portion secured to the writing medium with a bond that is stronger than a bond used to secure a second portion to the writing medium. Rather, in contrast to the present invention, Burke describes a label with a first ply, a second ply, and a removable strip including a tab, wherein the strip and tab are removably coupled to the second ply using a plurality of perforations. As such, the first and second plies in Burke do not have a substantially uniform thickness. Moreover, in contrast to the present invention, Burke describes coupling the first portion to the second portion using an adhesive that has a sufficient strength to hold a first edge and a second circumscribing edge of each ply together while the removable strip and centerpiece are torn from the label along perforation rows. Accordingly, for at least the reasons set forth above, Applicant respectfully submits Claim 12 to be patentable over Burke.

For the reasons set forth above, Applicant respectfully requests that the Section 102 rejection of Claims 8, 9, 11, 12, and 14 be withdrawn.

The rejection of Claims 1-4, 6, 7, 13, and 15-24 under 35 U.S.C. § 103(a) as being unpatentable over Burke in view of Ritter (U.S. Patent No.: 2,363,472) is respectfully traversed.

Burke is described above. Ritter describes a mailing card (10) for transferring detachable decalcomania. The card (10) includes an emblem side (12) that includes a

message space (13) and a transfer emblem (11). The emblem (11) includes upper and lower marginal edges (14) and a body extending therebetween. The body is removably coupled to the upper and lower edges (14) through a plurality of perforations (16). The upper and lower marginal edges (14) are coupled to the card (10) by an adhesive. Specifically, the adhesive is applied to only the upper and lower edges (14) include the adhesive, and as such, the emblem (11) may be detached from the adhered marginal edges (14) using the perforations (16). The mailing card (10) may also include a protective flap (18) that is integral to the card (10) and that folds over the emblem (11) and couples to the card (10) such the emblem (11) is covered by the integral flap (18). Notably Ritter does not describe nor suggest a postcard including a security tag including a first portion and a second portion, wherein each portion includes an unperforated body. Moreover, Ritter does not describe nor suggest a security tag including a first portion, a second portion, and a tab formed unitarily with the second portion such that the tab is removable from the first portion only when the second portion is removed from the first portion.

Applicant respectfully submits that the Section 103 rejection of the presently pending claims is not a proper rejection. As is well established, obviousness cannot be established by combining the teachings of the cited art to produce the claimed invention, absent some teaching, suggestion, or incentive supporting the combination. Neither Burke nor Ritter, considered alone or in combination, describes nor suggests the claimed combination. Further, in contrast to the Examiner's assertion within the Office Action, Applicant respectfully submits that it would not be obvious to one skilled in the art to combine Burke and Ritter, because there is no motivation to combine the references suggested in the art. Additionally, the Examiner has not pointed to any prior art that teaches or suggests to combine the disclosures, other than Applicant's own teaching. Rather, only the conclusory assertion that it would have been obvious at the time the invention was made to a person having ordinary skill in the art suggests combining the disclosures.

As explained by the Federal Circuit, "to establish obviousness based on a combination of the elements disclosed in the prior art, there must be some motivation, suggestion or

teaching of the desirability of making the specific combination that was made by the Applicant.” In re Kotzab, 54 U.S.P.Q.2d 1308, 1316 (Fed. Cir. 2000); M.P.E.P. 2143.01.

Furthermore, as is well established, the mere fact that the prior art structure could be modified does not make such a modification obvious unless the prior art suggests the desirability of doing so. *See In re Gordon*, 221 U.S.P.Q.2d 1125 (Fed. Cir. 1984).

Furthermore, the Federal Circuit has determined that:

[i]t is impermissible to use the claimed invention as an instruction manual or “template” to piece together the teachings of the prior art so that the claimed invention is rendered obvious. This court has previously stated that “[o]ne cannot use hindsight reconstruction to pick and choose among isolated disclosures in the prior art to deprecate the claimed invention.

In re Fritch, 23 U.S.P.Q.2d 1780, 1784 (Fed. Cir. 1992).

Further, under Section 103, “it is impermissible . . . to pick and choose from any one reference only so much of it as will support a given position, to the exclusion of other parts necessary to the full appreciation of what such reference fairly suggests to one of ordinary skill in the art.” In re Wesslau, 147 U.S.P.Q. 391, 393 (CCPA 1965). Rather, there must be some suggestion, outside of Applicant’s disclosure, in the prior art to combine such references, and a reasonable expectation of success must be both found in the prior art, and not based on Applicant’s disclosure. In re Vaeck, 20 U.S.P.Q.2d 1436 (Fed. Cir. 1991). In the present case, neither a suggestion nor motivation to combine the cited art, nor any reasonable expectation of success has been shown.

Accordingly, since there is no teaching or suggestion in the cited art for the claimed combination, the Section 103 rejection appears to be based on hindsight reconstruction in which isolated disclosures have been picked and chosen in an attempt to deprecate the present invention. Of course, such a combination is impermissible, and for at least this reason, Applicant submits that Claims 1-4, 6, 7, 13, 15-24 are patentable over Burke in view of Ritter.

Moreover, if art “teaches away” from a claimed invention, such a teaching supports the nonobviousness of the invention. U.S. v. Adams, 148 USPQ 479 (1966); Gillette Co. v.

S.C. Johnson & Son, Inc., 16 USPQ2d 1923, 1927 (Fed. Cir. 1990). In light of this standard, it is respectfully submitted that the cited art, as a whole, is not suggestive of the presently claimed invention. Specifically, Applicant respectfully submits that Burke teaches away from the present invention, and as such, thus supports the nonobviousness of the present invention. More specifically, in contrast to the present invention, Burke clearly describes at col. 2, lines 10-13 that “an object of this invention is to provide a tamper-resistant label that incorporates a game piece that does not require adhesives to be applied between the face of the game piece and an opposing ply.” Moreover, col. 1, lines 55-64, Burke clearly describes that plies “secured together by a releasable adhesive are also prone to premature separation when, for instance, a ply is inadvertently snagged by a fixed object.” Applicant respectfully submits that an object of the current invention is to use an adhesive between a first portion and a second portion. Therefore, Burke teaches away from the claimed invention. As such, the presently pending claims are patentably distinguishable from the cited combination.

Claim 1 recites a postcard comprising “a security tag coupled to said postcard for selectively concealing at least a portion of information displayed on said postcard, said tag comprising at least a first portion and a second portion coupled to said first portion, wherein said first portion comprises an unperforated body comprising a first side and an opposite second side, and wherein said second portion comprises an unperforated body comprising a first side and an opposite second side, said first portion first side coupled against said postcard, said second portion first side coupled against said first portion second side, said first portion secured to said postcard with a bond that is stronger than a bond used to secure said second portion to said postcard.”

Neither Burke nor Ritter, considered alone or in combination, describes nor suggests a postcard including a security tag, as is recited in Claim 1. Specifically, neither Burke nor Ritter, considered alone or in combination, describes nor suggests a postcard comprising a security tag including a first portion and a second portion, wherein each portion includes an unperforated body having a first side and an opposite second side, as required by Applicant's claimed invention. Moreover, neither Burke nor Ritter, considered alone or in combination, describes nor suggests a first portion secured to a postcard with a bond that is stronger than a

bond used to secure said second portion to the postcard. Rather, in contrast to the present invention, Burke describes a label with a first ply, a second ply, and a removable strip, wherein the strip is removably coupled to the second ply using a plurality of perforations. Moreover, in contrast to the present invention, Burkes describes coupling the first portion to the second portion using an adhesive that has a sufficient strength to hold a first edge and a second circumscribing edge of each ply together while the removable strip and centerpiece are torn from the label along perforation rows. Ritter describes a transfer emblem coupled to a mailing card, wherein the emblem includes a body coupled to an upper and lower edge using a plurality of perforations, respectively. Accordingly, for at least the reasons set forth above, Applicant respectfully submits Claim 1 to be patentable over Burke in view of Ritter.

Claims 2-4, and 6 depend from independent Claim 1. When the recitations of Claims 2-4, and 6 are considered in combination with the recitations of Claim 1, Applicant submits that dependent Claims 2-4, and 6 likewise are patentable over Burke in view of Ritter.

Claim 7 recites a postcard comprising “a security tag coupled to said postcard for selectively concealing at least a portion of information displayed on said postcard, said tag comprising at least a first portion and a second portion coupled to said first portion, wherein said first portion comprises a first side and an opposite second side, and wherein said second portion comprises a first side and an opposite second side, wherein at least a section of one of said first portion and said second portion is substantially transparent, said first portion further comprising a pair of oppositely-disposed ends and a body extending therebetween, said second portion first side and said first portion ends coupled against said postcard, said first portion body coupled against said second portion second side, said first portion secured to said postcard with a bond that is stronger than a bond used to secure said second portion to said postcard.”

Neither Burke nor Ritter, considered alone or in combination, describes nor suggests a postcard, as is recited in Claim 7. Specifically, neither Burke nor Ritter, considered alone or in combination, describes nor suggests a postcard comprising a security tag including a first portion and a second portion, wherein at least one of the first portion and the second portion is substantially transparent, as required by Applicant’s claimed invention. Moreover, neither

Burke nor Ritter, considered alone or in combination, describes nor suggests a first portion secured to a postcard with a bond that is stronger than a bond used to secure said second portion to the postcard. Rather, in contrast to the present invention, Burke describes a label with a first ply and a second ply that are each clearly opaque, as shown in Figures 1 and 2 of Burke. Moreover, in contrast to the present invention, Burke describes coupling the first portion to the second portion using an adhesive that has a sufficient strength to hold a first edge and a second circumscribing edge of each ply together while the removable strip and centerpiece are torn from the label along perforation rows. Ritter describes a transfer emblem coupled to a mailing card, wherein the emblem includes a body coupled to an upper and lower edge using a plurality of perforations, respectively. Accordingly, for at least the reasons set forth above, Applicant submits Claim 7 to be patentable over Burke in view of Ritter.

Claim 8 recites a security tag for use in selectively concealing selected information displayed on a writing medium, the security tag comprises "at least a first portion and a second portion coupled to said first portion, wherein said tag first and second portions each comprise an outer surface and an opposite inner surface, said second portion further comprises a tab formed unitarily therewith such that said tab is removable from said first portion only when said second portion is removed from said first portion, said tag first portion outer surface is coupled against the writing medium, said tag second portion extends over said tag first portion inner surface such that said second portion inner surface is coupled against said first portion inner surface, said first portion secured to the writing medium with a bond that is stronger than a bond used to secure said second portion to the writing medium."

Neither Burke nor Ritter, considered alone or in combination, describes nor suggests a security tag, as is recited in Claim 8. Specifically, neither Burke nor Ritter, considered alone or in combination, describes nor suggests a security tag including a first portion, a second portion, and a tab formed unitarily therewith such that the tab is removable from the first portion only when the second portion is removed from the first portion, as required by Applicant's claimed invention. Moreover, neither Burke nor Ritter, considered alone or in combination, describes nor suggests a first portion secured to the writing medium with a bond

that is stronger than a bond used to secure said second portion to the writing medium. Rather, in contrast to the present invention, Burke describes a label with a first ply, a second ply, and a removable strip including a tab, wherein the strip and tab are removably coupled to the second ply using a plurality of perforations. Moreover, in contrast to the present invention, Burke describes coupling the first portion to the second portion using an adhesive that has a sufficient strength to hold a first edge and a second circumscribing edge of each ply together while the removable strip and centerpiece are torn from the label along perforation rows. Ritter describes a transfer emblem coupled to a mailing card, wherein the emblem includes a body coupled to an upper and lower edge using a plurality of perforations, respectively. Accordingly, for at least the reasons set forth above, Applicant respectfully submits Claim 8 to be patentable over Burke in view of Ritter.

Claim 13 depends from independent Claim 8. When the recitations of Claim 13 are considered in combination with the recitations of Claim 8, Applicant submits that dependent Claim 13 likewise is patentable over Burke in view of Ritter.

Claim 15 recites a method for notifying an individual of an appointment, the method comprises "providing a security tag including at least a first portion and a second portion that is coupled to the first portion, wherein the first portion comprises an unperforated body comprising a first side and an opposite second side, and wherein the second portion comprises an unperforated body comprising a first side and an opposite second side, the second portion first side coupled against the first portion second side . . . and coupling the security tag to a postcard such that selected information regarding the appointment is concealed by the security tag, and such that the security tag first portion is secured to the postcard with a bond that is stronger than a bond used to secure the second portion to the postcard."

Neither Burke nor Ritter, considered alone or in combination, describes nor suggests a method for notifying an individual of an appointment, as is recited in Claim 15. Specifically, neither Burke nor Ritter, considered alone or in combination, describes nor suggests a method comprising providing a security tag including a first portion and a second portion, wherein each portion includes an unperforated body having a first side and an opposite second side, as

required by Applicant's claimed invention. Moreover, neither Burke nor Ritter, considered alone or in combination, describes nor suggests a first portion secured to a postcard with a bond that is stronger than a bond used to secure said second portion to the postcard. Rather, in contrast to the present invention, Burke describes a label with a first ply, a second ply, and a removable strip, wherein the strip is removably coupled to the second ply using a plurality of perforations defined in the second ply. Moreover, in contrast to the present invention, Burke describes coupling the first portion to the second portion using an adhesive that has a sufficient strength to hold a first edge and a second circumscribing edge of each ply together while the removable strip and centerpiece are torn from the label along perforation rows. Ritter describes a transfer emblem coupled to a mailing card, wherein the emblem includes a body coupled to an upper and lower edge using a plurality of perforations, respectively. Accordingly, for at least the reasons set forth above, Applicant respectfully submits Claim 15 to be patentable over Burke in view of Ritter.

Claims 16-19 depend from independent Claim 15. When the recitations of Claims 16-19 are considered in combination with the recitations of Claim 15, Applicant submits that dependent Claims 16-19 likewise are patentable over Burke in view of Ritter.

Claim 20 recites a postcard comprising "a security tag coupled to said postcard for selectively concealing at least a portion of information displayed on said postcard, said postcard comprising a pair of oppositely-disposed ends and a body extending therebetween, said tag comprising at least a first portion and a second portion separated by a fold line, said first portion comprises a first side and an opposite second side, said second portion comprises a first side, an opposite second side, and a tab formed unitarily with said second portion such that said tab is removable from said first portion only when said second portion is removed from said first portion, said tag coupled to said postcard such that tag first portion second side is coupled between tag second portion second side and said tag first portion first side, said tag configured to remain folded until the information is revealed, at least one of said tag first portion and said tag second portion comprises a substantially transparent material."

Neither Burke nor Ritter, considered alone or in combination, describes nor suggests a postcard as is recited in Claim 20. Specifically, neither Burke nor Ritter, considered alone or

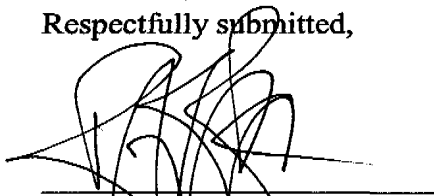
in combination, describes nor suggests a postcard comprising a security tag including a first portion, a second portion, and a tab formed unitarily with the second portion such that the tab is removable from the first portion only when the second portion is removed, as required by Applicant's claimed invention. Rather, in contrast to the present invention, Burke describes a label with a first ply, a second ply, and a removable strip including a tab, wherein the strip and tab are removably coupled to the second ply using a plurality of perforations, and Ritter describes a transfer emblem coupled to a mailing card, wherein the emblem includes a body coupled to an upper and lower edge using a plurality of perforations, respectively. Accordingly, for at least the reasons set forth above, Claim 20 is submitted to be patentable over Burke in view of Ritter.

Claims 21-24 depend from independent Claim 20. When the recitations of Claims 21-24 are considered in combination with the recitations of Claim 20, Applicant submits that dependent Claims 21-24 likewise are patentable over Burke in view of Ritter.

For the reasons set forth above, Applicant respectfully requests that the Section 103 rejection of Claims 1-4, 6, 7, 13, 15-24 be withdrawn.

In view of the foregoing amendments and remarks, all the claims now active in this application are believed to be in condition for allowance. Reconsideration and favorable action is respectfully solicited.

Respectfully submitted,



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